

Garcia, Delia

From: Hibbs, David R NWK <David.R.Hibbs@usace.army.mil>
Sent: Monday, November 24, 2014 3:51 PM
To: Garcia, Delia; Whetzel, Steven M NWK
Cc: Frazier, Mark D NWK; Trier, Patrick H NWK; Schumann, Thomas L NWK; Cory, Luke M NWK; Huffman, Diane; Robichaud, Jeffery
Subject: RE: Request to review case file 2014-00195 (Black Tea Oil) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Delia - Thanks, I will get the file from our Kanopolis office and prepare the letters to send out.

This will probably take approximately 2 weeks. Please note that Luke Cory, the project manager on the case, has retired and no longer works for the Corps.

Steve - please review the case file and send it to my attention so I can prepare the package for EPA.

David R. Hibbs
Regulatory Program Manager
Assistant Chief, Regulatory Branch
Kansas City District, Corps of Engineers
816-389-3136 (Voice)
816-805-6163 (Cell)
816-389-2032 (Fax)

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http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

-----Original Message-----

From: Garcia, Delia [mailto:Garcia.Delia@epa.gov]
Sent: Monday, November 24, 2014 3:13 PM
To: Hibbs, David R NWK
Cc: Frazier, Mark D NWK; Trier, Patrick H NWK; Schumann, Thomas L NWK; Cory, Luke M NWK; Huffman, Diane; Robichaud, Jeffery; Whetzel, Steven M NWK
Subject: [EXTERNAL] RE: Request to review case file 2014-00195 (Black Tea Oil) (UNCLASSIFIED)

David,

EPA has decided to take the lead enforcement role in this case. Please send a complete copy of the file to Diane Huffman. We will probably be in touch in the future about scheduling a joint site visit. Thanks

Delia Garcia, PhD
Environmental Scientist
WWPD/WENF
US EPA Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Phone: (913) 551-7262 FAX: (913) 551-9262

Email: Garcia.Delia@epa.gov

-----Original Message-----

From: Hibbs, David R NWK [mailto:David.R.Hibbs@usace.army.mil]

Sent: Friday, May 23, 2014 2:16 PM

To: Huffman, Diane

Cc: Garcia, Delia; Frazier, Mark D NWK; Trier, Patrick H NWK; Schumann, Thomas L NWK; Cory, Luke M NWK

Subject: Request to review case file 2014-00195 (Black Tea Oil) (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Diane,

Please reference our final signed copy of the Enforcement Field Level Agreement, Section 3.a.:

"Whenever the Corps identifies a case where EPA has the probable lead, as described in the MOA at Part III. D., the Corps POC will notify and submit a small packet of information to the EPA Water Enforcement Branch Chief to determine if EPA will accept the case. The Corps will provide photocopies or digital copies of all or part of the case file, as needed, for EPA to make its determination. EPA will conduct a Case Assessment Team (CAT) meeting to determine if EPA will accept the case within thirty (30) days of receipt of the case file from the Corps. EPA will email the Corps that they will accept or reject the case."

Per this email, we are requesting your review of this case file to determine if EPA will accept the case. The location of the violation is in Logan County, Kansas.

The project is described in the attached PDF file (1), which includes the Field Report with photos, maps, sketches, and aerial photos. It also contains some past history of violations from the Company with the State of Kansas, showing a pattern for noncompliance. A Notice of Violation Letter will be sent to the violator on 28 May 2014. I would appreciate if you would send me an email verifying that you were able to download the attachment from this email, as it is quite large.

We are sending this case for your review due to the potential for excessive impacts from the unauthorized work (oil rig structure and pipelines in the river channel) and nature of the stream channel impacted, and that an After-the-fact permit evaluation does not seem appropriate at this point in time, as this is a project that would not be permitted under the 404b1 guidelines. If you have any questions, problems downloading the file or wish to discuss the case, please give me a call.

Thanks.

David R. Hibbs

Regulatory Program Manager

Assistant Chief, Regulatory Branch

Kansas City District, Corps of Engineers

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